

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Dakota, Missouri Valley & Western )  
Railroad, Inc., )  
Plaintiff, )  
vs. )  
National Interstate Insurance Co., )  
Defendant. )

**SCEDULING/DISCOVERY ORDER**

Case No. 1:11-cv-083

The court held a scheduling conference with the parties on December 9, 2011. Pursuant to its discussion with the parties, the court **ORDERS** as follows:

1. The parties shall make Rule 26(a)(1) disclosures by December 30, 2011.
2. The parties shall have until May 1, 2012 to complete fact discovery and to file discovery motions on the issue of coverage. Absent an order from the court, discovery regarding to plaintiff's bad faith claim will not take place before May 1, 2012.
3. With respect to the coverage issue, the parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows:

Plaintiff: July 1, 2012;

Defendant: August 1, 2012

The court shall issue a separate order setting expert disclosure deadlines as they pertain to plaintiff's bad faith claim.

4. The court shall conduct a scheduling conference by telephone with the parties on April 20, 2012, at 10:00 a.m. to discuss: deadlines for fact discovery and expert disclosures re plaintiff's bad faith claim. The court shall initiate the conference call.
5. The parties shall have until October 15, 2012 to complete discovery depositions of expert witnesses.
6. The parties shall have until February 15, 2012 to move to join additional parties.
7. The parties shall have until February 15, 2012 to move to amend pleadings to add claims or defenses, except for claims for punitive damages for which the deadline shall be November 1, 2012.
8. The parties shall have until February 15, 2012 to file other nondispositive motions (e.g., consolidation, bifurcation).
9. The parties shall have until February 15, 2012 to file threshold motions (e.g., jurisdiction, qualified immunity, statute of limitations). Discovery shall not be stayed during the pendency of such motions.
10. The parties shall have until May 1, 2012 to file other dispositive motions re the issue of coverage. The court shall issue a separate order setting for the deadline for filing dispositive motions re plaintiff's bad faith claim.
11. Each party shall serve no more than 25 interrogatories, including subparts. No broad contention interrogatories (i.e., "List all facts supporting your claim that . . .") shall be used. (Show good cause for more than the 25 interrogatories allowed by Rule 33).
12. Each side shall take no more than 10 discovery depositions.
13. Depositions taken for presentation at trial shall be completed 14 days before trial.

14. Trial of this case will be jury.
15. The estimated length of trial is 5 days.

Dated this 9th day of December, 2011.

*/s/ Charles S. Miller, Jr.*

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Charles S. Miller, Jr., Magistrate Judge  
United States District Court